

REMARKS

The Examiner is thanked for granting an interview to Applicants' undersigned representative on August 2, 2006, at which time all matters appearing in the Office Action were discussed. The substance of the interview appears in the comments below.

The withdrawal of Claims 4 and 7-12 as part of the withdrawal of Claims 4 and 7 to 27 is respectfully traversed. Claims 4 and 7-12 are not directed to a nonelected species. While Claims 1-3,5, and 6 read on the elected species as stated in the paper filed in response to the election of species requirement, a review of Claims 4 and 7-12 will shown that these claims read on the elected species as well. Claims 1 to 12 should be examined.

The rejection of Claims 5 and 6 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite is respectfully traversed. The Examiner states that the mention of a definition in a claim from which Claim 5 depends "is improper because claim 1 may be amended or canceled." At this stage of prosecution, Claim 5 is proper. It is Applicants' responsibility to make certain any future changes in Claim 1 do not affect the language of Claim 5. The claim as it reads is proper.

The Examiner also stated that Claim 5 improperly recited perfluoro(3-butenylvinylether) because Claim 1 required fluoromonomer A to be an alicyclic structure. Claim 1 does not so read. Claim 1 states that fluoromonomer A is one that "gives a polymer having an alicyclic structure in its main chain by radical polymerization." Thus, there is nothing wrong with reciting the particular species in Claim 5 as it performs exactly the function stated in Claim 1. The specification and working examples also depict this species. As noted at the interview, the Examiner should look at the following portions of the specification showing the elected species, perfluoro(3-buteryl vinylether)- abbreviated BVE- used in the claimed invention; page 28, line 5; page 50, line 15; page 53, line 20 et seq. (PREPARATION EXAMPLE 3), and page 54, line 14 et seq. (PREPARATION EXAMPLE

4). The fluoromonomer although cyclic “gives a polymer having an alicyclic structure in its main chain by radical polymerization.” The rejection should be withdrawn.

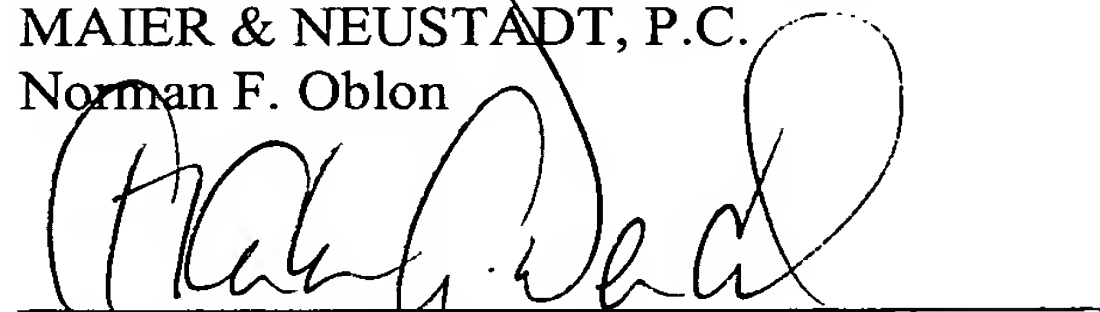
The rejection of Claims 1 to 3, 5, and 6 under 35 U.S.C. § 102 or 35 U.S.C. § 103 as unpatentable over newly cited Morgan et al. ‘848 is respectfully traversed.

Morgan et al. ‘848 is directed to a method for polymerization of fluoromonomers as the Examiner recognizes. The scattered mention of fluoroolefins such as TFE (col. 6, line 53), cyclic fluorinated monomers such as PDD and PMD (col. 6, lines 58 and 59), and functional monomers including fluorovinylethers such as elected species (B) (col. 8, line 13) in that reference does not teach or suggest the invention claimed. While the three monomers are found in parts of the patent, no part of the patent shows the manufacture of a polymer containing same. The working examples certainly do not do so; they show various fluorosurfactant combinations used in the aqueous dispersion polymerization of fluoromonomers. Morgan et al. ‘848 provides no reason to make the copolymers claimed here and no reason to use them as a solid polymer electrolyte material. The Examiner asserts that because the Morgan et al. ‘848 polymerization is carried out in an aqueous dispersion, the  $\text{SO}_2\text{F}$  would be converted to  $\text{SO}_3\text{H}$  during polymerization. The problem with the Examiner’s position is that there is no working example showing such a reaction and the rejection has been formulated clearly by picking various unrelated pieces of disclosure in Morgan et al. ‘848 directed to a concept entirely different from that of the present invention. The rejection accordingly should be withdrawn.

The Examiner is requested to telephone the undersigned should anything be required  
in the case prior to allowance.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Charles A. Wendel", is written over a horizontal line.

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